

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39983 of 2025

Arising Out of PS. Case No.-113 Year-2020 Thana- BELA District- Sitamarhi

Mukesh Kumar @ Mukesh Mahto S/O Ram Bilash Mahto R/O Village-
Kanhauli, P.S- Kanhauli, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Kishore Mahto S/O Late Jivachh Mahto R/O Village- Sirsiya Bazar,
Ward No. 6, P.S- Bela, Distt.- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Aditya Narayan Singh.1, APP
For the Informant	:	Mr. Santosh Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 03-09-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Bela
P.S. Case No. 113 of 2020 instituted for the offences under
Sections 365, 366, 366A of the Indian Penal Code and Section 4
of the POCSO Act.

3. Prosecution case, in short, is that the informant's
minor daughter was kidnapped by three accused persons.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.



Petitioner is not named in the F.I.R. The name of the petitioner has transpired in this case on the basis of Section 164 of the Cr.P.C. statement of the victim. Learned counsel further submitted that there was love affair between the victim and the petitioner and Section 164 Cr.P.C. statement of the victim is a tutored one. Learned counsel further submitted that both parties have amicably compromised the matter and a joint compromise petition was filed in the learned court below. It has been submitted on behalf of the petitioner that the petitioner is in custody since 30.04.2025 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has specifically stated that this petitioner committed rape upon her.

6. Considering the aforesaid facts and circumstances of the case as also Section 164 Cr.P.C. statement of the victim, this Court is not inclined to grant bail to the petitioner at this stage.

7. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

8. Learned Trial Court is directed to expedite the trial.



9. However, liberty is granted to the petitioner to renew the prayer for grant of bail before the Trial Court if the trial is not concluded within a period of four months from today.

(Rudra Prakash Mishra, J)

Alok Verma/-

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